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Commissioner of Patents and Trademarks

# BEFORE THE BOARD OF PATENT APPEALS
## AND INTERFERENCES

Paper No. 16

Application Number: 09029581
Filing Date: 3/6/98
Appellant(s): James

_____

For Appellant

# EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed October 13, 2000.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

A statement identifying the real party in interest is contained in the brief.

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-8.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. The appendix to the brief presents the claims remaining in the case.

The summary of invention contained in the brief is a better and clearer explanation of the invention than appears in the specification. From this summary, the applicant states that the difference between the invention and the prior art is that the invention uses an "index entry" which is read and compared, i.e. a key of the cached data row is compared with a key of the master data row. By the applicant's admission in his brief, the prior art taught the comparison of the key of a cached data row to the contents of a master data row. If the keys are the same, the server sends a reply that the cached data is still valid. If the keys are different, the server sends a reply to update the cache database.

The appellant's statement of the issues in the brief is correct with the additional note that the applicant's statements made in his brief concerning the prior art are additional bases for rejection..

The rejection of claims 1-8 stand or fall together because appellant's brief does not

include a statement that this grouping of claims does not stand or fall together and *reasons in*

*support thereof.  See 37 CFR 1.192(c)(7)*.

The copy of the appealed claims contained in the Appendix to the brief is correct.

The following is a listing of the prior art of record relied upon in the rejection of claims

under appeal.

U.S. Patent 5,550,971 to Brunner et al.

Only the discussion of prior art referenced by the applicant in his brief has been added

to this rejection.

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-8 are  rejected under 35 U.S.C. 102(e) as being anticipated by Brunner et al.

U.S. Patent 5,550,971.

The applicant's invention which relates to a master database which is more efficiently

searched by coordination with a local cache database is essentially shown by the cited prior art

reference.  The applicant argues that the reference does not show checking items between the

cache database and the master database by comparing keys. However, this checking is shown by the reference in the summary of the invention as essentially the same function as follows see col. 2 line 34 et seq.

The user interface should be flexible so that if a change is made t5o the underlying database schema or model, the interface will adapt dynamically to reflect the change without the need to recode and recompile the software that generates the user interface.

The notion of consistency between the databases is brought out in this passage and the need to insure consistency part of the user interface. The comparing feature that is specifically argued by the applicant is an essential feature of the cited reference.

: The features of the claims are shown by the prior art reference as follows:

In claim 1, the master database is shown in the reference as the remote database element 12 in figure 1 and the cache database is shown in the reference as the local cache database element 26 in figure 1. The operation of the remote and cache database is essentially the same as claimed by the applicant as discussed on Col. 4 lines 53 et seq. and on col. 15 line 1 et seq. On Col 15, it is clear that searching is performed first on the local cache for efficiency, as with the seach claimed by the applicant for an item of data and index first in the local cache and then the master cache.

In claim 2, the first key and the second key as broadly claimed by the applicant are shown in the cited reference as the first data type and the second data type for arranging data in the database management scheme as taught on Col. 5 line 36 et seq. The data type and search key

reflect the various levels of the database as described on Col. 5 line 20 et seq. These layers are common to both the cache database and the remote database.

Claims 5 and 6 are rejected in the analysis above and are rejected on that basis.

Claims 3 and 4 and 7 and 8 provide details of design choice such as a key being designated as a time stamp and the method being used in a client server system. The client/server aspect is also shown by the reference in that the context of the prior art is client and case retrieval as shown on Col. 6 line 10 et seq.

The applicant's brief additionally admits that the features of the applicant's claims are shown by the prior art. In determining whether to update the cache database, the applicant's brief teaches that the prior art compares the key of a row from the cached database with a key of a row from the master database. In the same manner, the applicant claims the comparison of a key in the "index entry" of the row in the cached database with a key of the "index entry" of the row in the master database. In view of the slight distinction between the comparison between a key of row and the comparison of key in the index entry of a row, the examiner submits that the applicant's invention is anticipated by the teaching of the prior art as represented in the applicant's brief.

The applicant's arguments have been considered by are found not to be persuasive. The claims which have not been significantly amended since the first office action are seen to be anticpated by the cited prior art as well as the statements of the applicant's brief concerning the prior art. The applicant's remarks argue hindsight interpretations of the claims rather than

the apparant broad language of the claims themselves. The applicant argues that the comparison of 'keys' to determine whether to update a database is not shown by the prior art but the prior art does teach updating of databases and specifically the cache data base in relation to a remote data base (master data base). The use of a key to perform such updating is a well known concept in the art as shown by the applicant's admission in his brief and as such this concept would be inherent in the updating taught by the prior art reference both on Col. 2 lines 29 et seq. and on Col. 24 line 62 et seq. While the prior art may relate to interfaces, its underlying teaching is implemented by a cache database in conjunction with a remote database and essential to the operation is current verison and updating of the cache database.

In independent claim one, the term key is so broadly stated in its function that it could mean data in the databases and thus it is anticipated by the prior art.

In independent claim two, the same argument is true, there is nothing to distinguish the key as being different from any other data and thus it is anticipated by the prior art.

The same arguments apply to claims 5 and 6.

The examiner requests the opportunity to present arguments at the oral hearing.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

To avoid dismissal of the appeal, Appellant must comply with the provisions of 37

CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH

or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within

the time period for reply to the action from which appeal has been taken; or (3) within two

months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time

periods may be granted under 37 CFR 1.136.

For the above reasons, it is believed that the rejections should be sustained.

                                                            Respectfully submitted,


                                                            John Gladstone Mills III


January 16, 2001

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